IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

Chamber Summons No. 874 of 2005
in
Suit No. 2125 of 1983

M/s Alfa Enterprises & Anr. ..Plaintiffs

vs.

Major Santana Robert Tallis
and another ...Defendants

and

Sudha Suresh Patil and ors. ..Applicants

Mr.Pramod Vora i/b Pramod Vora and Co. for applicants/plaintiffs.
Mr.P.Gangwani i/b M/s Madhukar Munim and Co. for defendant no.2.

CORAM: A.M.KHANWILKAR J.
23rd August, 2005.

P.C.

. Heard Counsel for the parties. Perused the pleadings.

. This application is resisted by the counsel for defendant no.2 on the argument that the explanation offered in the affidavit in support of the Chamber Summons is not a sufficient cause at all. On the other hand, contends learned counsel, it is conceded in paras 3 and 4 of the affidavit in support that the Advocate for the plaintiffs was aware about the death of plaintiff no.2 and yet no steps were taken to move this application. There

is substance in the above argument canvassed on behalf of defendant no.2. Even so, in the interest of justice, the chamber summons is allowed in terms of prayer clauses (a) to (d).

.Counsel for the plaintiffs fairly accepts that the plaintiffs will not oppose the application to be taken out by the defendants for delay in filing the written statement. The chamber summons is granted on the above concession given by the plaintiffs through their Counsel.

. No order as to costs. Amendment to be carried out within four weeks from today.